

## COVINGTON

BEIJING BRUSSELS DUBAI FRANKFURT JOHANNESBURG  
LONDON LOS ANGELES NEW YORK PALO ALTO  
SAN FRANCISCO SEOUL SHANGHAI WASHINGTON

Arlo Devlin-Brown

Covington & Burling LLP  
The New York Times Building  
620 Eighth Avenue  
New York, NY 10018-1405  
T +1 212 841 1046  
adevlin-brown@cov.com

**Via Electronic Case Filing System**

July 22, 2022

Hon. Loretta A. Preska  
United States District Judge  
United States Courthouse  
500 Pearl Street  
New York, New York 10007

**Re: *United States v. Smart Agunbiade*, 21 Cr. 609 (LAP)**

Dear Judge Preska:

I write on behalf of my client, Smart Agunbiade, with consent of the government, to seek the Court's leave to file a pretrial motion specific to Mr. Agunbiade after the August 1, 2022 deadline if current plea discussions are unsuccessful.

The Court previously set a deadline of August 1, 2022 for the filing of pre-trial motions. See Minute Entry dated June 2, 2022. The only possible motion that counsel is considering based on the discovery to date is a challenge to the seizure of \$10,000 in cash from Mr. Agunbiade's residence on the date of his arrest. The parties, however, have recently engaged in plea discussions. A resolution of this case pursuant to a plea agreement would likely obviate the need for the Court to consider issues relating to the seizure of these funds. Accordingly, we respectfully seek permission to file such a motion – should it prove necessary – only after the parties have completed plea discussions. This would also conserve the resources of the government and Court in responding to and adjudicating such a motion only if that proves necessary.

The parties anticipate that plea discussions will be completed this summer. Accordingly, we propose to file any motion challenging the seizure, if plea negotiations fail, on or before September 12, 2022. As noted, the government does not oppose this request.

**SO ORDERED.**

Dated: July 22, 2022  
New York, New York

Respectfully submitted,

s/ Arlo Devlin-Brown  
Arlo Devlin-Brown



LORETTA A. PRESKA  
Senior United States District Judge